

CHELL AND CHELL  
ATTORNEYS AT LAW

EUGENE P. CHELL  
TIMOTHY W. CHELL

(856) 848-3636

FAX: (856) 853-9085

June 26, 2002

Gregory Romano, Executive Director  
**State Agriculture Development Committee**  
Market & Warren Streets  
P.O. Box 330  
Trenton, NJ 08625

**Re: Gloucester County/Tavalario Right to Farm**

Dear Mr. Romano:

Please be advised that on Thursday, June 13, 2002 the Gloucester County Agriculture Development Board held a hearing with regard to a Complaint filed by the Township of Washington against Anthony F. Tavalario. The Complaint filed by the Township alleged first, that Mr. Tavalario was not a commercial farmer within the definition of N.J.S.A. 4:1C-3, and secondly, even if he was, the activities being conducted by Mr. Tavalario were not part of an accepted agricultural management practice.

At a duly advertised meeting of the Agriculture Development Board on Thursday, June 13, 2002, a quorum of the Board was present, unfortunately it was a minimal quorum of only four members, three farm members and one non-farm member of the Board. The Board heard testimony from Mr. Tavalario and one witness he called on his behalf, Dr. Stevens, a Pittsgrove veterinarian. The Board also heard testimony from Rosemary Flaherty, the Zoning Officer for the Township of Washington, who filed the Complaint with the Board. The Board also heard the testimony of other interested parties as follows: Wayne Hall, Sewell; Gail Stadler  
Williamstown; Phil Papa, Pitman; Ramona  
Tamasca, Pitman; Richard Brown (former member of the State  
Agriculture Development Committee); Jerry Frecon, Rutgers Cooperative Extension  
Agent, and Alberta Stadler, Sewell.

The Board also accepted into evidence many Exhibits all of which were marked and have been enclosed for your review.

After the conduct of this extensive hearing, Board member, Alex Clemick, made a motion that Mr. Tavalario's farm did meet the definition of commercial farm

Gregory Romano, Executive Director  
S.A.D.C.  
June 26, 2002  
Page 2

pursuant to N.J.S.A. 4:1C-3. This motion was seconded by Board member Mike Visalli. At that point in time, a roll call vote was conducted wherein the motion was approved by a vote of three in the affirmative and one in the negative.

At this point in the hearing, I explained to those in attendance that any person aggrieved by the decision of the Board should appeal the decision to the State Agriculture Development Committee within ten (10) days. The Township of Washington representative indicated they would be appealing. I further indicated that this matter was now being forwarded to the State Agriculture Development Committee, pursuant to N.J.S.A. 4:1C-10.1(c), for a determination of whether the disputed agricultural operation constitutes a generally accepted agriculture operation of practice.

If you need any further information from our Board, please feel free to contact me.

Yours truly,

TIMOTHY W. CHELL

TWC:nlw  
Enclosures

cc: James Yates, Director, Office of Land Preservation (w/encs.)  
Rosemary Flaherty, Washington Twp. Zoning Officer (w/encs.)